



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/000,485

12/04/2001

Osamu Tsujii

35.G2950

9623

5514

7590

01/11/2008

FITZPATRICK CELLA HARPER & SCINTO

30 ROCKEFELLER PLAZA

NEW YORK, NY 10112

EXAMINER

HAMZA, FARUK

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

<b>Office Action Summary</b>	Application No. 10/000,485	Applicant(s) TSUJII ET AL.	
	Examiner Faruk Hamza	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-24 is/are pending in the application.  
     4a) Of the above claim(s) 1-11 and 25-31 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 12-24 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to the amendment filed on October 25, 2007.  
Claims 12-24 have been amended. Claims 1-11 and 25-31 have been withdrawn.  
Claims 12-24 are pending.
2. The applicant should always use the period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols <sup>®</sup>, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the

time the application was filed, had possession of the claimed invention.

Applicant's specification failed to describe the newly added limitation " a data stream having **hierarchically-encoded data** via a network". This limitation is not supported by the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 12-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lo et al. (U.S. Patent Number 6,031,818) hereinafter referred as Lo.

Lo teaches the invention as claimed including a system for correcting errors in the transmission of data packet between a source and a receiver. The source sends data packets to the client unit and server unit. The system uses the client and the server unit to send a repaired packet stream to a receiver when an error is detected (abstract).

As to claim 12, Lo teaches an information processing apparatus for processing a data stream inputted via a network, comprising:

- an input unit for inputting a data stream via a network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses input unit to input data stream);

- an interrupted-stream storage unit for storing an interrupted stream generated by interrupting the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

- an interrupt information storage unit for storing interrupt information associated with the interrupted stream (Column 4, lines 24-Column 5, lines 47, Lo discloses storing interrupted information); and

- an output unit for output the interrupted stream stored in the interrupted-stream storage unit, in response to a request for outputting the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses output unit),

wherein said interrupt information is at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream (Column 4, lines 24-Column 5, lines 47, Lo discloses interrupted stream).

As to claim 13, Lo teaches an information processing apparatus according to claim 12, wherein the output unit inputs a partial data stream following the interrupted stream via the input unit (Fig. 1, Column 3, lines 26-Column 4, lines 23).

As to claim 14, Lo teaches an information processing apparatus according to claim 12, further comprising a setting unit for set or update the interrupt information, wherein the output units inputs a partial data stream following the interrupted stream via the input unit, in accordance with the interrupt information updated by the setting unit, and generates a new interrupted stream from the interrupted stream stored in the interrupted-stream storage unit and the partial data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23).

As to claim 15, Lo teaches an information processing apparatus according to claim 12, wherein the output unit outputs the interrupt information together with the interrupted stream (Fig. 1, Column 3, lines 26-Column 4, lines 23).

Claims 16-19 do not teach or define any new limitations other than above claims 12-15. Therefore, rejected for similar reasons.

As to claim 20, Lo teaches an information processing apparatus for processing a data stream inputted via a network, comprising:

an input unit for inputting a data stream via a network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses input unit to input data stream);

an analysis unit for analyzing the data stream inputted via the input unit (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses analyzing data stream);

a generating unit for, in accordance with an analysis result made by the analysis unit, interrupt input of the data stream via the input unit and generating an interrupted stream from the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupted-stream storage unit for storing the interrupted stream generated by the generating unit (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupt information storage unit for storing interrupt information associated with the interrupted stream (Column 4, lines 23-Column 5, lines 37, Lo discloses storing interrupted information); and

an output unit for outputting the interrupted stream and the interrupt information to an external apparatus connected to the network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses outputting unit),

wherein in said analysis, at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream is employed as an analysis condition (Column 4, lines 23-Column 5, lines 37, Lo discloses analysis condition).

As to claim 21, Lo teaches an information processing apparatus according to claim 20, further comprising a setting unit for set or update a reference value

Art Unit: 2155

indicating said analysis condition of the analysis unit, wherein the analysis unit analyzes the data stream inputted via the input unit, with respect to the reference value (Column 4, lines 23-Column 5, lines 37).

Claims 22-24 do not teach or define any new limitations other than above claims 20-21. Therefore, rejected for similar reasons.

5. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

### ***Response to Arguments***

6. Applicant's arguments have been fully considered but they are not persuasive.

In the remarks applicant argues in substance that; A) Lo does not teach an input unit for inputting a data stream having **hierarchically-encoded data** via a network.

In response to A) The newly added limitation hierarchically-encoded data is not supported by the specification. It is out of the scope of the invention. Therefore, applicant's argument is irrelevant. Lo teaches inputting multimedia data stream (See Fig. 1, Column 3, lines 26-Column 4, lines 23). Therefore, teaching of Lo meets the claim limitation.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2155

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER